



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,344	06/26/2001	Asko Komsı	NC30556	3536
29683	7590	12/12/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			VU, THANH T	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/892,344	Applicant(s) KOMSI ET AL.	
	Examiner Thanh T. Vu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, Filed 06/16/2005.

Claims 1-18 are pending in this application. In the Amendment, claims 1-4, 7, 8, 14, and 17-18 were amended.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Claims 3-4, and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as not being tangibly embodied in a manner so as to be executable.

Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable. Further, the claims are directed merely to an abstract idea of non-functional descriptive material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-12, 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bickmore et al. (“Bickmore”, U.S. Pat. No. 6,466,213).

Per claim 1, Bickmore teaches a system for implementing entity bookmarks, comprising:
an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) that comprises a message component (col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality having a plurality of components that are suitable for storage in a memory device (col. 7, lines 23-42, and lines 46-67; col. 8, lines 47-64; col. 10, lines 31-39), said content and functionality comprising a displayable body component that is responsive to an entity command to execute a corresponding entity action (an entity command is executed when a user interacts with various avatar links. Avatar’s behavior is displayed to the user according to user’s interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67), one of said components comprising an addressing mechanism that comprises a representation of at least one address (*the examiner considers an addressing mechanism that comprises representation of at*

Art Unit: 2174

least one address as various avatars links (see col. 9, lines 13-30 and lines 40-55 and col. 10, lines 40-54));

a selectable resource wherein the resource is accessible via the addressing mechanism and means for selecting the resource (col. 2, lines 31-45; col. 9, lines 13-30 and lines 40-53; col. 10, lines 48-67).

Per claim 2, Bickmore teaches a method for implementing entity bookmarks, comprising: selecting an identifier associated with a resource (col. 2, lines 31-45; col. 9, lines 13-30 ; col. 10, lines 48-67);

associating the identifier with an entity bookmark, wherein the resource is accessed by selecting the entity bookmark (col. 2, lines 31-45; col. 9, lines 13-30 and lines 40-53; col. 10, lines 48-67), and wherein an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprises a message component (col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality that is provide so as to comprise a plurality of components that are suitable for storage in a memory device (col. 7, lines 23-42, and lines 46-67; col. 8, lines 47-64; col. 10, lines 31-39, one of said components comprising said entity bookmark (col. 9, lines 13-30 and lines 40-55 and col. 10, lines 40-54), said content and functionality comprising a displayable body component that is responsive to an entity command to execute a corresponding entity action (an entity command is executed when a user interacts with various avatar links. Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67).

Per claim 3, Bickmore teaches an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10, lines 31-44) and further, comprising:

media pool (col. 2, lines 31-53);

body (figs 4-6; col. 10, lines 50-54);

at least one entity method (col. 7, lines 43-67; col. 8, lines 47-64); and

at least one bookmark, wherein the bookmark provides an addressing mechanism that comprises a representation of at least one address (col. 2, lines 31-45; col. 7, lines 23-42; col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50; *The examiner considers the bookmark provides an addressing mechanism that comprises representation of at least one address as various avatars links* (col. 9, lines 13-30 and lines 40-55 and col. 10, lines 40-54)), (an entity command is executed when a user interacts with various avatar links. Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67)).

Per claim 4, Bickmore teaches an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10,

Art Unit: 2174

lines 31-44), (an entity command is executed when a user interacts with various avatar links.

Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67), and that further, comprising:

a media pool (col. 2, lines 31-53);

a body (figs.4-6; col. 10, lines 50-54);

a brain (col. 3, lines 45-52; col. 4, lines 7-16; col. 7, lines 23-42);

at least one entity method (col. 7, lines 30-67; col. 8, lines 64) and

at least one bookmark, wherein the bookmark provides an addressing that comprises a representation of at least one address (col. 2, lines 31-45; col. 7, lines 23-42; col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50; *The examiner considers the bookmarks provides an addressing mechanism that comprises representation of at least one address as various avatars links* (col. 9, lines 13-30 and lines 40-55 and col. 10, lines 40-54)).

Per claim 5, Bickmore teaches the system of claim 1 wherein the addressing mechanism provides a link to a universal resource identifier (URI) (col. 9, lines 28-31).

Per claim 6, Bickmore teaches the method of claim 2, wherein the identifier is a universal resource identifier (URI) (col. 9, lines 28-31).

Per claim 7, Bickmore teaches a system for entity messaging, comprising:

an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 4, lines col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10, lines 31-44), (an entity command is executed when a user interacts with various avatar links. Avatar's

Art Unit: 2174

behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67), and that further comprises a plurality of components that are suitable for storage in a memory device, one of said components comprising an addressing mechanism that comprises a representation of at least one address (col. 2, lines 31-45; col. 7, lines 23-42; col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50; *The examiner considers an addressing mechanism that comprises representation of at least one address as various avatars links* (col. 9, lines 13-30 and lines 40-55 and col. 10, lines 40-54));

an entity-enabled device for invoking the entity (col. 2, lines 31-45; col. 9, lines 13-30; col. 10, lines 43-50); and

a bookmark selection means for selecting the bookmark (col. 2, lines 31-45; col. 9, lines 13-30; col. 10, lines 43-50).

Per claim 8, Bickmore teaches a method for entity messaging, comprising:

invoking an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 4, lines col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10, lines 31-44), (an entity command is executed when a user interacts with various avatar links. Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67), and that further comprises a plurality of components that are suitable for storage in a memory device, one of said components comprising at least one bookmark associated with a resource, said at least one bookmark comprising an addressing mechanism that comprises a representation of at least one address (col. 2, lines 31-45; col. 7,

Art Unit: 2174

lines 23-42; col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50; *The examiner considers said at least one bookmark an addressing mechanism that comprises representation of at least one address as various avatars links* (col. 9, lines 13-30 and lines 40-55 and col. 10, lines 40-54)); selecting the bookmark and accessing the resource associated with the bookmark (col. 2, lines 31-45; col. 9, lines 13-30; col. 10, lines 43-50).

Per claim 10, Bickmore teaches the system of claim 7, wherein the bookmark selection means is a link to a universal resource identifier (URI) (col. 9, lines 28-31).

Per claim 11, Bickmore teaches the system of claim 7, wherein the bookmark selection means is a shortcut to a link to a universal resource identifier (URI) (col. 9, lines 28-31).

Per claim 12, Bickmore teaches the method of claim 8, wherein the resource associated with the bookmark is a universal resource identifier (URI) (col. 9, lines 28-31).

Per claim 14, Bickmore teaches a multi-component logical entity storable in a memory medium, said logical entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 4, lines col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10, lines 31-44), (an entity command is executed when a user interacts with various avatar links. Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67), and that further comprising:

a media pool component (col. 2, lines 31-53);

a body component (figs 4-6; col. 10, lines 50-54);

a brain component (col. 3, lines 45-52; col. 4, lines 7-16; col. 7, lines 23-42);

at least one entity method component(col. 7, lines 30-67; col. 8, lines 64) and
at least one bookmark component, wherein said bookmark component comprises at least one universal resource identifier (URI) for enabling a user of the entity to access a link associated with the URI (col. 2, lines 31-45; col. 7, lines 23-42; col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50).

Per claim 15, Bickmore teaches a multi-component logical entity storable in a memory medium as in claim 14, where the URI is represented by a shortcut to the URI (col. 9, lines 28-31).

Per claim 16, Bickmore teaches a multi-component logical entity storable in a memory medium as in claim 14, where the URI point to a location that stores content that comprises at least part of said media pool component (col. 9, lines 28-31; col. 10, lines 48-67).

Per claim 17, Bickmore teaches a multi-component logical entity storable in a memory medium said entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 4, lines col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10, lines 31-44), (an entity command is executed when a user interacts with various avatar links. Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67), where said entity is received over a wireless communications channel as part of a message (col. 12, lines 28-33), and further comprises a bookmark component, where said bookmark comprises at least one universal resource identifier (URI) for

Art Unit: 2174

enabling a user of the entity to access a link associated with the URI (col. 2, lines 31-45; col. 7, lines 23-42; col. 8, lines 39-47; col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50).

Per claim 18, Bickmore teaches a multi-component logical entity storable in a memory medium, said entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars* see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43) comprising a message component (col. 4, lines col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality (col. 7, lines 23-42, and lines 46-67; col. 10, lines 31-44), where said entity is transmitted to a wireless communications channel as part of a message (col. 12, lines 28-33), and further comprises a bookmark component, where said bookmark comprises at least one universal resource identifier (URI) for enabling a user of the entity to access a link associated with the URI (col. 2, lines 31-45; col. 7, lines 23-42; col. 8, lines 39-47col. 9, lines 13-30 and lines 45-53; col. 10, lines 40-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickmore et al. ("Bickmore", U.S. Pat. No. 6,466,213) in view of Praitis et al. ("Praitis", U.S. Pat. No. 6,594,697).

Art Unit: 2174

Per claim 9, Bickmore teaches the system of claim 7, but does not teach the bookmark selection means further comprises error handling means for determining whether the bookmark selection fails. However, Praitis teaches the bookmark selection means further comprises error handling means for determining whether the bookmark selection fails (col. 2, lines 25-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include error handling as taught by Praitis in the invention of Bickmore in order to provide users a friendly user interface by providing useful information regarding the errors.

Claim 13 is rejected under the same rationale as claim 9.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Bickmore does not teach an entity comprising a message component that comprises a package of content and functionality having a plurality of components that are suitable for storage in a memory device, and said content and functionality comprising a displayable body component that is responsive to an entity command to execute a corresponding entity action.

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Bickmore's reference reads on the limitations of an entity (*the examiner considers the entity as the electronic document 112 or 600 that comprises various avatars see, figs. 1 and 13; col. 10, lines 1-9, lines 39-43*) that comprises a message component (col. 4, lines col. 2, lines 33-40; col. 7, lines 31-42) that comprises a package of content and functionality having a plurality of components that are suitable for storage in a memory device (col. 7, lines 23-42, and lines 46-67; col. 8, lines 47-64; col. 10, lines 31-39), said content and functionality comprising a displayable body component that is responsive to an entity command to execute a corresponding entity action (an entity command is executed when a user interacts with various avatar links. Avatar's behavior is displayed to the user according to user's interactions (see col. 2, lines 26-40; col. 8, lines 48-64; col. 10, lines 48-67).

Furthermore, applicant also points out that the entity of Bickmore does not comprise an addressing mechanism or a bookmark or a link to an address or URI. The examiner does not agree because Bickmore teaches an addressing mechanism or a bookmark or a link to an address or URI (col. 2, lines 31-45; col. 8, lines 38-47; col. 9, lines 13-30 and lines 45-53).

Conclusion

Art Unit: 2174

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100